

A P P E A R A N C E S

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On Behalf of Plaintiff: BRIAN WYNNE

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On Behalf of Defendant: VANESSA PAI-THOMPSON

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Also Present:

Erin O'Donnell, Pretrial Services

Cindy Stewart, Paralegal with FPD Office

Ronald Larson, Employer of Defendant

Grandmother of Defendant (no name provided)

Friend of Defendant (no name provided)

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November 1, 2022

THE CLERK: Your Honor, the next matter before the Court is scheduled for a detention hearing, Cause No. MJ 22-491, United States of America v. Gianni Sharpa Thomas.

Counsel, please make your appearances.

MR. WYNNE: Good afternoon, Your Honor. Brian Wynne on behalf of the United States.

THE COURT: Mr. Wynne, good afternoon.

MS. PAI-THOMPSON: And good afternoon, Your Honor. Vanessa Pai-Thompson on behalf of Mr. Thomas, who's present with me at counsel table. Also present at counsel table is Federal Public Defender Paralegal, Cindy Stewart.

THE COURT: And, Ms. Stewart and Ms. Pai-Thompson, good afternoon.

MS. STEWART: Good afternoon, Your Honor.

THE COURT: Mr. Thomas, good afternoon. We're here for a detention hearing. And I did get an updated Pretrial Services report.

And I guess I should first hear from the Government and then Ms. Pai-Thompson.

MR. WYNNE: Thank you, Your Honor. The Government is

1 seeking detention in this matter. Mr. Thompson [sic] is
2 an individual who is on community custody with the
3 Department of Corrections when he was released from
4 prison in February of 2022. Shortly thereafter, he
5 engaged in repeated behaviors where he has been found to
6 be in possession of loaded firearms.

7 The Government believes that Mr. Thomas's history
8 is -- put it this way, Your Honor -- the Government
9 believes that he is both a flight risk and a danger to
10 the community.

11 Turning first to the flight risk, as set forth in the
12 Pretrial Services report, the defendant does have a
13 history of warrants, as well as a history of attempting
14 to evade apprehension. With respect to warrants, he has
15 seven warrants on previous cases for failing to appear
16 and one DOC warrant.

17 He also, as I have noted, has a history of attempting
18 to evade apprehension. Looking back at his criminal
19 history, starting in 2017, under his conviction for
20 Robbery in the Second Degree, in that particular case --
21 and defense counsel has a copy of the Certification for
22 Determination of Probable Cause for this case and the
23 other cases I will reference. In that case, the
24 defendant was traced back to his residence. Officers
25 went to that particular place, knocked on the door, and

1 the defendant's grandfather indicated that the defendant
2 was not present. Meanwhile, the defendant ran out the
3 back door and had to be apprehended on foot.

4 In 2020, the offense for which Mr. Thomas was on
5 community custody, after he assaulted the victim
6 repeatedly, a witness tried to call 911 to have police
7 respond. Mr. Thompson -- excuse me -- Mr. Thomas took
8 the phone away from that witness. Eventually, she was
9 able to get it back and call 911 -- able to call 911,
10 and the defendant then fled the scene at that particular
11 apartment, as well.

12 Also, according to Pretrial Services, on one other
13 occasion, Mr. Thomas evaded DOC apprehension by fleeing
14 in a vehicle. He also made reference to the fact that
15 he was armed with a pistol or a firearm of some sort
16 when he said that he had "a heater." That was what
17 Officer -- DOC Officer Conaty understood that comment to
18 mean.

19 So the defendant does have a history of fleeing from
20 apprehension, as well as not appearing before courts.
21 So that would be a basis for this Court to hold
22 Mr. Thomas.

23 But the Government's greatest concern is for the
24 safety of the community. As I've already alluded to,
25 the defendant has prior convictions for Robbery in

1 the Second Degree, Domestic Violence; Unlawful
2 Possession of a Firearm and Felony Violation of a No
3 Contact Order for domestic violence.

4 The facts for that most recent conviction, the Felony
5 Violation of a No Contact Order violation are, frankly,
6 chilling. The defendant entered into an apartment where
7 the mother of his child resided with her sister. Inside
8 that apartment, he repeatedly assaulted her, causing
9 lacerations to the back of her head and a contusion to
10 her face that led officers who were responding almost
11 immediately thereafter to believe that she had a
12 fractured cheekbone. The swelling was that bad that
13 immediately.

14 He then, as I've already alluded to, attempted to
15 prevent a witness from calling 911. And then after that
16 witness called 911, he punched the victim so hard that
17 she lost consciousness. The witness believed that her
18 sister had been knocked out, as she called it, for some
19 matter of minutes. And he did all of this in front of
20 the victim's nine-year-old -- or, excuse me,
21 nine-month-old daughter and their two-year-old, then
22 two-year-old son.

23 He was sentenced to 29 months in prison and 12 months
24 of community custody. He was released from prison and
25 started on community custody with the Department of

1 Corrections in February of 2022. It was only a few
2 months later that he started possessing, or there is
3 evidence of him starting to possess firearms.

4 As this court knows, there were, in May of 2022,
5 videos of the defendant holding on to what officers
6 believed to be real firearms. Then in May, on May
7 23rd of 2022, he was arrested after just being in a
8 vehicle. He was seen by arresting officers reaching
9 down behind the front passenger seat. He got out of
10 that vehicle, and then a search of that vehicle revealed
11 that there was, in fact, a loaded firearm with one round
12 in the chamber in that gun that was found where he was
13 moving.

14 They also searched that vehicle and found a drum
15 magazine in the trunk of the vehicle, which shows that
16 he -- or someone -- and the Government's argument would
17 be that he was in possession of an item that allowed for
18 him to have a high-capacity magazine added to this
19 particular semiautomatic firearm.

20 Then just a few months later, he was in possession of
21 a firearm again.

22 September 8th of 2022, he was stopped in a vehicle.
23 Inside that vehicle when it was searched for an
24 inventory search, officers found a semiautomatic
25 9-millimeter in the center console. There was a

1 magazine next to it that was loaded. And then behind
2 the passenger seat in what appears to be the pouch in a
3 position where the driver could easily reach, there was
4 another 9-millimeter pistol. This one was, again,
5 loaded with a round in the chamber.

6 Additionally, Your Honor, as Pretrial Services has
7 noted, the defendant self-reports having consumed, on
8 average, a bottle of tequila a day, which certainly
9 gives the Government concerned about his capacity to
10 follow through on promises that he would make to this
11 court.

12 And I would also note that he's a known member of a
13 group with ties to violence.

14 The Government believes that, given this entire
15 picture of an individual who, again, was on community
16 custody, who was under supervision at the time where he
17 has been repeatedly possessing firearms, the Government
18 believes that there is no conditions that can be set
19 forth by this court to ensure the safety of the
20 community and to ensure that he will appear.

21 So the Government does ask this court to detain
22 Mr. Thomas pending adjudication. Thank you, Your
23 Honor.

24 THE COURT: Ms. Pai-Thompson, please go ahead.

25 MS. PAI-THOMPSON: Thank you. Your Honor.

1 I do, before I begin my remarks, just want to
2 acknowledge in the courtroom, Mr. Thomas's grandmother.
3 Also his employer, whose name is listed in the Pretrial
4 Services report, as well as a friend, who is actually
5 his brother's girlfriend, who helped him get the job
6 that he has now. I did need just a moment to check in.
7 I believe that it may be that we ask his employer to
8 address the Court.

9 I think that one thing that has really shown to me,
10 as I've gotten to know Mr. Thomas, is really just how
11 exceptionally warm he is and how much the job has meant
12 to him, how reliable he's been. I think it has been --
13 it's been a big deal for him, for for lack of a better
14 way to describe it, and I think has given him a lot of
15 structure and feelings of kind of support and validation
16 that I think are meaningful to the Court's decision
17 here.

18 I think particularly, given the types of hours that he
19 works and the number of days a week that he works, that
20 his boss at this point is a really meaningful social
21 contact. I don't need to tell the Court that it is rare
22 that a boss will even get on the phone to confirm to
23 Pretrial Services that someone is an employee -- or at
24 least somewhat uncommon, much less show up in court
25 prepared to address the Court and to talk about, in this

1 case, the young man who is before Your Honor.

2 So the Court has the memorandum that we filed and the
3 conditions that we have proposed. I do have some
4 updates that --

5 (Coughing). I'm sorry, Your Honor, I'm going to grab
6 some water really quickly. Sorry about that. I'm
7 getting over a cold.

8 So in addition to the information that is indicated in
9 the memorandum and that the Court has through the
10 Pretrial Services report, I can confirm to the Court
11 that Mr. Thomas did complete the substance use disorder
12 evaluation this morning. We don't yet have the written
13 report in hand, but based upon a conversation with the
14 provider, I think the recommendation there will be to
15 intensive outpatient treatment, which Valley Cities is
16 prepared to provide, or is well suited to provide. That
17 evaluation was done by Alvin Currie with Sunrise
18 Centers, which is a known provider who we regularly have
19 conduct evaluations and whose evaluations comply with
20 all of the necessary sort of King County components in
21 order for people to be accepted in treatment, and that
22 treatment covered either by Apple Health or by their
23 their health insurance.

24 So we anticipate if the Court were to release
25 Mr. Thomas today to an appearance bond, that we would

1 get him into Valley Cities, essentially immediately,
2 with that evaluation. We should have the final written
3 evaluation by tomorrow to be able to refer him this
4 week.

5 Part of the reason that I -- or not part of the
6 reason -- the primary reason that I recommend Valley
7 Cities and am seeking to refer him there -- and this is
8 a provider that probation works with a lot as well -- is
9 that they do a very good job of coordinating both
10 substance use disorder treatment and mental health
11 treatment.

12 Mr. Thomas is someone who suffered a really just
13 tremendous loss in 2007 when his father was killed by
14 law enforcement. And as the family has continued to
15 contend with that loss through civil litigation related
16 to it, and then also was really re-triggered in many
17 ways by George Floyd's murder, that Mr. Thomas
18 recognizes that mental health treatment in addition
19 to substance use disorder treatment will be helpful to
20 him.

21 I also note that the Court doesn't have someone before
22 it who has shown ever an unwillingness to meaningfully
23 engage in mental health treatment or a family that is
24 not looking out for his need to be in mental health
25 treatment. His grandmother, who is present in court

1 today, made sure that all of her grandchildren received
2 counseling after Mr. Thomas's father was killed.

3 Mr. Thomas is also engaged in counseling and taking
4 necessary medication. And when we talk about that, he's
5 not someone who talks about it with the, "Oh, I didn't
6 like that and it had side effects, so I don't want to do
7 that again." It was -- he graduated from school. It
8 was prescribed to him related to school, but he is
9 somebody who has described and I think demonstrated his
10 willingness to engage with treatment and to follow
11 recommendations. And we are recommending both the drug
12 treatment and the mental health component and have
13 tried to jumpstart that process by having the evaluation
14 done.

15 We had hoped to be able to have it done at the FDC
16 yesterday so we would have the report in hand today, but
17 unfortunately weren't able to get the expert into the
18 FDC yesterday due to just their scheduling restrictions.

19 And so we're not asking the Court to release
20 Mr. Thomas with no conditions or minimal conditions or
21 even somewhat onerous conditions. We're recommending,
22 essentially, all of the conditions that this court puts
23 in place. For the location monitoring component, I have
24 recommended curfew rather than home detention just to
25 facilitate his ability to pick up additional hours or

1 additional shifts at work without needing the 48 hours
2 for pre-clearance. But if the Court were to put him on
3 home detention, he is prepared to abide by whatever
4 restrictions the Court puts in place.

5 I also note that Mr. Thomas is not someone who is only
6 beginning to talk about services now. We did provide to
7 Pretrial Services a confirmation email we received from
8 StopWA, which is a known provider of treatment related
9 to domestic violence and anger management. He was
10 referred there through King County -- or through
11 Department of Corrections. And they confirmed to us
12 that he did go and complete his evaluation on October
13 11th. Although they haven't placed him in a group yet,
14 it was his understanding that if he had been out of
15 custody, he would have been able to attend a class on
16 the 29th of this month, and plans to re-engage with
17 that.

18 I'd also note that he, through essentially a community
19 resource -- it's a gentlemen who does violence reduction
20 work and had worked with Mr. Thomas's brother, helped
21 Mr. Thomas when he got out connect with -- he couldn't
22 remember the name so we couldn't get verification, but
23 what he remembers is it being essentially a dad's
24 program that he went to prior to engaging in STOP that
25 helped him learn about parenting, that helped him learn

1 about co-parenting, and that it was sort of, as he was
2 doing that and through that, that he and his son's
3 mother came up with the informal parenting plan that
4 they have. Informal just in the sense that it's not
5 through a family court, but it is a set plan that they
6 follow.

7 Mr. Thomas is very dedicated to spending time with his
8 young son, sees him every week. I know that his
9 employer has been great and really thoughtful about
10 trying to ensure that his schedule works in such a way
11 that he can have contact with his son. And that, I
12 acknowledge, is not treatment that was mandated by DOC.
13 It's something that he sought out because he wants to be
14 there and he wants to be a dad and he wants his son to
15 grow up with him.

16 And with respect to the allegations of his last
17 conviction, that is not his child, his son's mother.
18 So the case with the no contact order is not with his
19 child's mother, with whom he currently has this
20 parenting plan.

21 The other thing that I would like to note, and I
22 will -- I will keep my remarks relatively brief because
23 I hope the Court does not need to rely on it in any
24 event. But there is in the Pretrial Services report at
25 page 2 -- there are some, I would say, very generalized,

1 very nonspecific allegations that a Department of
2 Corrections officer made, apparently based upon prior
3 records, against Mr. Thomas's grandmother.

4 I can tell the Court that it was -- one, we object to
5 that being considered by this court. It's not something
6 that we agree happened, and I don't believe that
7 Specialist Conaty's allegations have even enough
8 specificity to be of any use to the Court. Here's no
9 indication of date or name or any of the types of
10 details that the Court looks to in order to be able to
11 sort of determine whether or not something occurred.

12 His grandmother, I think, was very hurt to hear that
13 there were allegations of that nature being made against
14 her. Absolutely denied that that took place. I can
15 tell the Court that she has been incredibly reliable and
16 speaking with myself and with Ms. Stewart. She and I
17 have, prior to today, I know she and Ms. Stewart have
18 spoken numerous times prior to today. And, again, she
19 is here in court in support of Mr. Thomas.

20 With respect to the drug and alcohol use, Mr. Thomas
21 did what we ask people to do, which is to be candid with
22 Pretrial Services. He indicates that he can stop
23 drinking alcohol and smoking marijuana. And I think
24 that the -- and we know that he would test positive for
25 marijuana initially, but that Pretrial Services would

1 look for the levels to come down. My memory of the
2 interview is that he described the bottle being
3 something shared between him and his then-girlfriend.
4 Either way, we recognize that it's a concerning amount
5 of alcohol for someone to be drinking in an evening.

6 I will note, as it relates to the Government's
7 concerns about whether that would prevent him from
8 following through with any requirements the Court
9 would give him, that he has been making it to work and
10 he has been an exceptional employee and he has been
11 following through, and he did get the STOP assessment.
12 Perhaps some of that is owing to a 24- to 25-year-old
13 metabolism, but I think that what the Court sees is
14 someone who even sort of with that level of use was
15 maintaining a rigorous schedule at work, is committed
16 to desisting use, knows that using would land him
17 back in front of this court and likely in custody,
18 and has already completed a substance use disorder
19 evaluation.

20 The other thing that I would note is that if the Court
21 did not believe that releasing Mr. Thomas to live with
22 his grandmother is appropriate or the Court wanted more
23 information at this time, his mother did indicate to us
24 that she -- that he is welcome to live with her.

25 As the Court knows -- and I think, again, in a

1 testament to really how responsible Mr. Thomas is trying
2 to be in this portion of his life -- he is paying \$500 a
3 month toward her rent, even though he rarely stays
4 there, understanding that she sort of needs a
5 supplemental income to maintain the home. I did provide
6 her address and telephone number and full name to
7 Pretrial Services before the hearing. And she, again,
8 has confirmed to Ms. Stewart that Mr. Thomas is welcome
9 to stay with her. She is employed working at Napa, and
10 so that is an alternative address if the Court were to
11 want that.

12 The other point that I have for the Court is with
13 respect to the referral to either the YMCA Alive and
14 Free program or to Community Passageways, I initially
15 looked to Alive and Free because Community Passageway's
16 wait times are often fairly long because of how much
17 success they have in working with young people. And so
18 that is part of why we were looking to Alive and Free
19 and we're hoping to just kind of have them work with us
20 on Mr. Thomas being three months older-ish than their
21 cut-off.

22 Ms. Stewart did speak with a representative from
23 Community Passageways today, and it turns out -- I don't
24 know if they just have more capacity now, but their
25 turnaround times are about a week and a half to two

1 weeks. So our plan is to complete referrals to both to
2 get him sort of through and into whichever program is
3 able to start working with him soonest. It's something
4 that he very much wants to do.

5 As I noted to the Court, his brother did work with a
6 similar type of program. And so Mr. Thomas is someone
7 who is familiar with the kind of community-based
8 mentorship model, that is familiar with the model that
9 really looks to provide young people with support in the
10 community, with mentorships, to help people make more
11 pro-social friendships, to find friendships with people
12 who are trying to do great things in their lives in a
13 way that Mr. Thomas is.

14 And so on the whole, Your Honor, we think that all of
15 those conditions do reasonably assure both the safety of
16 the community and Mr. Thomas's return to court. I am
17 certain that in speaking with him that if the Court had
18 any other conditions it wanted to impose, such as
19 Soberlink or something like that, that he would readily
20 agree to any conditions the Court has.

21 He recognizes that he has not been out of custody
22 terribly long at this point, but he is very genuinely in
23 a different place.

24 I also think that it bears note that the Government's
25 reference has been that he possessed firearms on two

1 occasions. And I think particularly with respect to the
2 September 8th incident, I think it is -- I think that it
3 has to be noted that if the Government would be
4 proceeding to trial, we'd get there on a theory of
5 constructive possession. I also think that they have
6 potential search issues with the September 8th incident.
7 It's not -- I think that the officer calling something
8 an "inventory search" doesn't make it an inventory
9 search. We obviously don't have discovery at this
10 point, but I think that Mr. Thomas has additional
11 incentive to return to court and to see his rights
12 vindicated in this case.

13 So on the whole, Your Honor, we do believe that
14 release is appropriate in this case with all of the
15 conditions that we have recommended.

16 Again, I am certain that if the Court wanted to
17 impose any additional conditions, that Mr. Thomas
18 would not have any objection to them. And I would also
19 suggest that this might be a case where it would be
20 appropriate, if Your Honor is inclined to release him,
21 that we could set a status hearing out perhaps two weeks
22 since that's what we expect to be the timeline for at
23 least kind of the next steps of the intake into either
24 Alive and Free or Community Passageways.

25 THE COURT: All right. Thank you so much.

1 MS. PAI-THOMPSON: Thank you.

2 THE COURT: And does the Pretrial Office have anything
3 to add based upon what you've heard from either side?

4 MS. O'DONNELL: Yes, Your Honor. Just one point of
5 clarification in my own report, I meant to update it --
6 but as your Honor knows, this afternoon got a little bit
7 busy -- I mentioned he was under their jurisdiction
8 since October of 2021. That was when he entered prison
9 on the King County Superior Court case. So he has been
10 in the community since February of 2022, so less than a
11 year.

12 And then regarding some of the risk areas that defense
13 counsel mentioned and were listed in my report as
14 identified risk factors, a lot of those, yes, we could
15 address with conditions. However, our greatest concern
16 is the fact that there were conditions in place that he
17 did not abide by while under community supervision,
18 which then would lead us to believe that there are no
19 conditions that would be available.

20 THE COURT: All right.

21 Ms. Pai-Thompson?

22 MS. PAI-THOMPSON: Yes, just briefly. If the Court is
23 willing to hear from his manager --

24 THE COURT: Sure.

25 MS. PAI-THOMPSON: -- I had hoped to bring him up to

1 the podium. And then may I grab some tissue?

2 THE COURT: Sure.

3 MS. PAI-THOMPSON: May I approach? Thank you.

4 MR. LARSON: Thank you.

5 THE COURT: So good afternoon. Why don't you just
6 stand right there by the microphone so we have you, and
7 just tell us your name and what you want me to know.

8 MR. LARSON: My name is Ronald Larson. I'm the store
9 manager at Normandy Park. I've been there for several
10 months now. I've been with T-Mobile for several years.
11 I've actually known the person that referred Gigi to
12 me -- that's his nickname, Thomas. (Inaudible) things,
13 I haven't had a ton of time to work with him. I know
14 that he's had some situations that he's been working
15 with the courts, and we've been going through and trying
16 to work with him.

17 One of the things I can say is that in the amount of
18 time I've had with him, he has been super reliable, very
19 friendly, very "get the job." One of the things I can
20 say is, is that one of the things that I personally look
21 for is somebody that's nervous for wanting a position
22 when they're looking for a job. Even with the prep, I
23 think that he was nervous and wanted to call and wanted
24 to have a good interview because the first interview
25 went with -- went through with me, and the second one

1 was with the district manager.

2 We were aware of the situations in the past and,
3 ultimately, we wanted to be able to work with him and
4 see how he did. What I can say is, is as of right now,
5 he's been nothing but an exemplary employee, and I can't
6 speak to anything on his past. All I can speak is to
7 what I see him in every day. And what I can say is that
8 he is a part of the team. He comes in, he's friendly,
9 he works with the customers, hasn't had any kind of
10 problems with anybody in any way, shape or form.

11 So one thing, I guess that's what I want to say the
12 most, is that as far as what I can personally see, is
13 that he has been nothing but excited and interested in
14 moving forward, despite whatever he has in this past
15 that hopefully will be resolved at some point.

16 THE COURT: Mr. Larson, thank you so much.

17 MR. LARSON: Mm-hmm.

18 THE COURT: All right.

19 So, Mr. Thomas, I want to thank your grandma for
20 coming and Mr. Larson for coming and your whole defense
21 team that did a terrific job, but I'm sorry. I'm not
22 going to release you. And, you know, one of the things
23 that I really have to struggle with is you've had a lot
24 of challenges in the past, a lot of court contact.

25 I think the Government is right, and I guess the

1 Pretrial Officer's view about, I think the biggest
2 hurdle is you're actually on supervision already and
3 you are now facing and will face charges here in this
4 court. At least from the Government's point of view,
5 this is not a one-time thing. They view you as sort of
6 a person who has repeatedly possessed firearms on
7 supervision.

8 Who's going to win the case? I don't know. I don't
9 know anything about the suppression requests or anything
10 like that, the strength of the facts, but that'll play
11 itself out. But in the meantime, I will issue a
12 detention order and you will be held pending the outcome
13 of the case.

14 All right, Mr. Wynne. Anything further from the
15 United States?

16 MR. WYNNE: Nothing, Your Honor. Thank you.

17 THE COURT: And, Ms. Pai-Thompson?

18 MS. PAI-THOMPSON: Your Honor, I do -- which I
19 mentioned briefly, which is that we would plan to still
20 complete a referral to Alive and Free and to Community
21 Passageways. And if he is accepted there, my hope would
22 be that the Court would entertain a motion to reopen and
23 to hear from one of their representatives.

24 THE COURT: You're always invited to file motions on
25 anything new you find.

1 All right. All right. Thank you, everyone. We will
2 recess this case and call our next case.

3 (Conclusion of hearing)

4
5
6 /s/ Marjorie Jackson, CET

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